

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SAMUEL G. BREITLING AND
JO ANN BREITLING,**

Plaintiffs,

vs.

LNV CORPORATION, ET AL.,

Defendants.

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NO. 3:15-CV-00703

PLAINTIFF'S NOTICE OF INTENT

Plaintiffs incorporate herein all their pleadings in the following related cases:

1. LNV Corporation v. Breitlings et al, Civil Cause DC-14-04053 in the Dallas County District Court in the 134th Judicial District, filed on April 15, 2014
2. Breitlings v. LNV Corporation et al, Civil Cause DC-14-09604 in the Dallas County District Court in the 101st Judicial District, filed on August 29
3. Breitling et al. v. LNV Corporation et al., Civil Action No. 3:14-cv-3322-M (first removal by Beal entities)
4. LNV Corporation v. Breitlings et al, Civil Cause No. 05-15-0677-CV in the Court of Appeals for the Fifth District of Texas at Dallas, filed on or around May 27, 2015
5. LNV Corporation v. Breitlings et al, Civil Cause No. JD15-00071C in the Justice of the Peace Court Number 2 in Garland Texas, Judge Gerry Cooper
6. LNV Corporation v. Breitlings et al, Civil Cause No. CC-15-00911-C in the County Courts at Law Number 3 in Dallas County, Judge Sally Montgomery

Plaintiffs herein remind Honorable Judge Jane Boyle that she took the following oath of office pursuant to 28 U.S.C. § 453:

"I, Jane Boyle, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me

as a United States District Judge under the Constitution and laws of the United States. So help me God.”

Plaintiffs, JoAnn and Samuel Breitling, representing themselves, respectively notify the court as follows:

The numerous related cases cited above exist solely due to Defendant LNV Corporation's ("LNV") acts of bad faith, abuse of judicial process and intent to deprive the Plaintiffs of their constitutional rights to due process and equal protection of law. Defendant LNV obtained a foreclosure judgment against Plaintiff's in the related case: LNV Corporation v. Breitlings, Civil Cause DC-14-04053 where Judge Dale Tillery violated the Plaintiff's rights to due process and equal protection of law at the hearing where he decided to grant his ORDER claiming Plaintiff's failed to file an answer, which was not true. It was apparent to any reasonable person observing this hearing that Tillery violated the Plaintiffs' constitutional rights and that he had made his mind up before the hearing that he would deny them any opportunity to present a case. Although the Plaintiff's filed a motion to vacate Tillery's void judgment in the state court this motion was never heard or adjudicated because of the Defendant's obstruction of justice. They then removed their complaint against LNV and the other defendants in Breitlings v. LNV Corporation, Civil Cause DC-14-09604.

The latter case invoked an automatic stay on the sale of the Plaintiff's property pursuant to Texas Rules of Civil Procedure 736.11 as Plaintiffs fully conformed to this rule and notified Defendants LNV and Codilis & Stawiarski ("C&S") about their independent law suit that contesting the right to foreclose in a court of competent jurisdiction. LNV ignored this automatic stay and sold the Plaintiffs' property on September 2, 2014 in violation of the automatic stay. Defendant LNV executed the sale as a non-judicial sale, while they had styled their foreclosure

complaint as a judicial foreclosure – this is also a violation of the Texas Rules of Civil Procedure and was done with intent and with knowledge that by doing so they would unconstitutionally deprive Plaintiff's of their property without due process because they would have no remedy to appeal either Tillery's decision or the illegal sale of their property.

The Defendants then removed the Breitlings v. LNV Corporation, Civil Cause DC-14-09604 to federal court (Breitling et al. v. LNV Corporation, Civil Action No. 3:14-cv-3322-M) where it was ultimately remanded. But while this case was in a stay awaiting remand as recommended by Magistrate Judge David Horan Defendant LNV filed an eviction action Plaintiff's knowing full well that they would be like sitting ducks as long as their lawsuit was in limbo in the federal court; again this was an intention act meant to deprive the Plaintiffs of their constitutional rights to due process and equal protection of law. LNV Corporation v. Breitlings, Civil Cause No. JD15-00071C in the Justice of the Peace Court Number 2 in Garland Texas.

This hearing in Judge Jerry Cooper's court was rigged against Plaintiffs because Defendant LNV had filed a "motion in limine" and failed to inform Plaintiffs. Judge Cooper and LNV's attorney Luke Madole spoke privately about this motion in limine and when Plaintiff JoAnn Breitling over heard them she inquired about this motion in limine and her question was ignored. Again Plaintiffs' rights to due process and equal protection of law were intentionally violated by Defendant LNV, their attorneys and a judge. This is not just a violation of the Plaintiff's constitutional rights but a color of law crime committed against them, and improper influence and/or bribing of a judge by Defendant LNV and their attorneys.

The day after this eviction hearing Breitling et al. v. LNV Corporation, Civil Action No. 3:14-cv-3322-M was remanded. Plaintiffs hired attorney J.D. Milks who apparently was on the payroll

of Defendant LNV's owner Daniel Andrew "Andy" Beal, as his actions and inactions caused Plaintiffs' great harm while benefiting Defendants greatly. See Plaintiff's Notice of Constitutional Questions (Doc 37) and Affidavit of JoAnn Breitling (Doc 32).

At every step of the way the Plaintiffs' rights to constitutional rights to due process and equal protection of law have been intentionally thwarted with intent to deprive them of their property.

Contrary to claims made by Defendants it is not Plaintiffs but Defendants who are abusing judicial process. As for LNV's litigation costs, its owner Daniel Andrew "Andy" Beal thinks nothing of losing millions of dollars a year playing poker, so whatever he has spent to maliciously litigate against us is 1) his own choice and at his own risk, 2) well within his means to afford. On the contrary his malicious litigation against us and stall tactics in our earlier cases and in this case have been with intent to financially drain us and thereby deprive us of our constitutional rights to rights to due process and equal protection of law. (See Plaintiffs' Exhibit A attached hereto.)

Plaintiffs seek to retain jurisdiction in this federal court and to finally have their claims heard on the merits of their claims; and the merits of the other MGC/LNV/Beal victims in the noticed related cases.

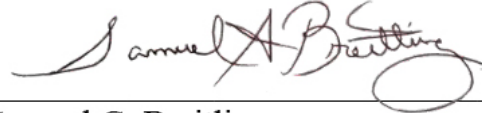
Plaintiffs' decision to non-suit (dismiss without prejudice) the other defendants is not so that they can later sue these defendants in state court; but it is a way for us to equal the playing field so that as low income pro-se litigants they are not overwhelmed with having to respond to motions from four defendants all with the financial means to hire powerful attorneys and coordinate their litigation to prevent Plaintiffs from any effective representation of themselves and thereby

further deprive them of their constitutional rights to rights to due process and equal protection of law.

Respectfully Submitted,

A handwritten signature in cursive script, reading "JoAnn S. Breitling". The signature is written in dark ink and is positioned above a horizontal line.

JoAnn S Breitling

A handwritten signature in cursive script, reading "Samuel G. Breitling". The signature is written in dark ink and is positioned above a horizontal line.

Samuel G. Breitling

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon all counsel of record and pro-se parties via the Court's CM/ECF system, email, and/or regular mail, and/or certified mail with return receipt requested; and that a correct copy of the foregoing document was served upon The United States Attorney General and the Texas Attorney General at the addresses below:

Attorney General of Texas,
Ken Paxton
P.O. Box 12548
Austin, Texas 78711

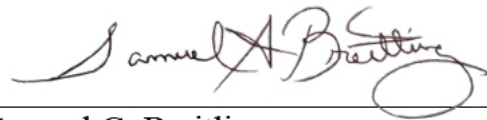
Marc Cabera, Jason Sanders,
Robert Mowery
Locke Lord LLP
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Dallas, TX 75201

Macdonald Devin, PC
Codilis & Stawiarski
3800 Renaissance Tower
1201 Elm Street
Dallas, TX 75270

U. S. Department of Justice,
Loretta Lynch,
U. S. Attorney General
950 Pennsylvania Ave NW
Washington, DC 20530



JoAnn S Breitling



Samuel G. Breitling

Exhibit A

In Support of Plaintiffs' Notice of Intent

<http://www.t TMZ.com/2015/03/17/pamela-anderson-rick-salomon-poker-andy-beal-nevada-annulment-california-divorce-money/>

Rick Salomon Made \$40 Mil Last Year ... Playing Poker with ONE GUY!!!

3/17/2015 12:40 AM PDT BY TMZ STAFF

EXCLUSIVE



[Pam Anderson](#) says [Rick Salomon](#) may not be screwing her anymore, but he's definitely screwing the tax man ... because he's dodging a tax bill on \$40 million in poker winnings in 2014 alone.

TMZ broke the story ... Rick has [filed for an annulment](#) from Pam in Nevada. She wants a California divorce, not an annulment, because it could entitle her to half his poker earnings.

Pam claims in new legal docs -- obtained by TMZ -- Rick won \$40 MIL from ONE GUY -- **Andy Beal**, a billionaire real estate mogul who plays high stakes poker. In one weekend, Beal gambled at the Bellagio in Vegas and was up \$13 mil at one point and down more than \$16 mil later.

Pam says in the docs, Rick is lying in his annulment papers by saying he's a resident of Nevada, where there is no state income tax. Pam says they have lived in Malibu, California, where the state tax rate is a whopping 13%.

Pam says Rick actually used some of his earnings last year to buy a \$4 million Nevada pad by paying cash, and then had his assistant use Rick's credit card in Nevada to make small purchases, making it look like Rick was living there.

Rick's people say Pam is on a mission to ruin Rick because she's not happy about the proposed divorce settlement.

<http://www.pokernews.com/news/2015/01/todd-brunson-purportedly-takes-andy-beal-for-5-million-20417.htm>

Todd Brunson Purportedly Takes Andy Beal for \$5 Million in Bobby's Room

[January 24, 2015](#)

[Chad Holloway](#)

He's back! **Andy Beal** was spotted late Friday night and early Saturday morning playing heads-up limit hold'em with blinds of \$50,000/\$100,000 in **Bobby's Room** at **Bellagio** against **Todd Brunson**. According to [poker pro Kyle Loman](#), who was live tweeting the match while playing in a different game outside the high-stakes room, each bought in for \$5 million, and when all was said and done, Brunson held all the chips.

Few amateur players have shook the poker world quite like Beal, a Texas billionaire who made his fortune through real estate and banking. In 2001 and 2004, Beal grew fond of playing high-stakes heads-up limit hold'em, which he played against a group of poker players nicknamed "**The Corporation**" in a legendary game documented in **Michael Craig's** classic book, *The Professor, the Banker, and the Suicide King: Inside the Richest Poker Game of All Time*.

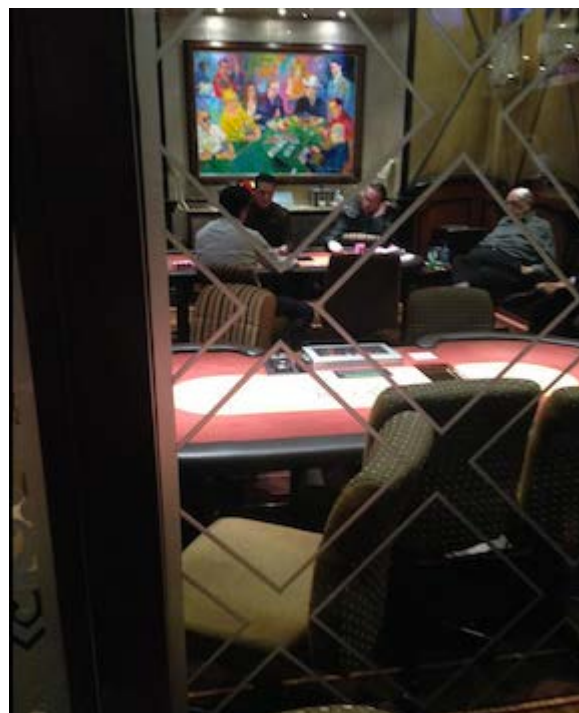
As Craig described it, Beal won and lost millions in the game as he circulated through players such as [Ted Forrest](#), [Jen Harman](#), [Phil Ivey](#), and both Todd and [Doyle Brunson](#). Despite winning a massive \$11.7 million pot on May 13, 2004, Beal ended up quitting the game with a loss, only to return in Feb. 2006 for more action. He quickly lost \$3.3 million, went on a three-day \$13.6 million upswing, and then [lost \\$16.6 million to Ivey in a separate three-day match](#). It was at that point Beal claimed he was done with poker.

Since then there have been rumors that Beal has dabbled in limit hold'em, his favorite game, which, earlier this month, [scientists claimed they solved](#). Those rumors were unsubstantiated, but on Friday, Jan. 23, Beal's most recent return was confirmed thanks to the rise of social media and Loman's reports.

"Andy Beal playing HU 50K/100K with Todd Brunson in Bobby's Room. I'm about to lose my mind," Loman reported in the first of a series of tweets. "All pink 25K chips now. Todd with six million and Beal with four million+. If they started with five, which is what I thought I saw, Todd up a milly."

An image of the game from Loman's Twitter account

Loman did snap a quick picture (see right), one that shows "Texas Dolly" sweating his son, and you can see that to the right.



Here are some other updates Loman tweeted throughout the night:

- "There was almost 20 people in the room at the start of the game. Down to pretty much just Doyle watching now.
- "Doyle went to bed it appears. The battle continues though"
- "Todd continuing to win. Got about 8 million to Beal's 2."
- "Beal with a solid heater. Todd: 5.5 Beal 4.5"
- "Todd Building towers. Looks about the same. His demeanor is the same as always. Sitting backward in the chair, his emotions unchanged."
- "Todd: 7 Beal: 3. There's only 3 people in Bobby's Room now. Todd, Beal, and the dealer."
- "Brunson crushing now. Has 8.5m+ to Beal's less than 1.5m"
- "Todd just felted Beal. They fist bumped and he left the room. They're done for tonight. Todd wins 5 million. More updates tomorrow hopefully."

So according to Loman, Brunson relieved Beal of \$5 million. Brunson himself tweeted the following after the match had ended: "We came to a nice steak house without a reservation. Big line. They asked if we were celebrating anything. I said yes I won 5 mil yesterday."

Whether or not Beal will return remains to be seen, but if his past behavior is any indication, he'll return for another shot at besting Brunson, or whoever is willing to sit down and play him for such monster stakes.

<http://frontburner.dmagazine.com/2011/07/08/andy-beal-reportedly-loses-50-million-playing-poker/>

Andy Beal Reportedly Loses \$50 Million Playing Poker

By Tim Rogers - Posted in [Local News](#). Jul 08, 2011 at 9:17 am

The [New York Post](#) says that the richest man in Dallas, Andy Beal, has lost \$50 million in recent months playing high-stakes poker. Apparently Tobey Maguire was in on the action, too. A spokesman for Beal told the *Post* that the figure wasn't accurate but didn't get more specific than that. Loyal readers will remember when our [Dan Michalski played cards with Beal](#) at the Lodge for slightly lower stakes.

<http://pagesix.com/2011/07/07/moguls-texas-size-poker-loss/>

[Mogul's Texas-size poker loss](#)

By PageSix.com Staff
July 7, 2011 | 4:00am

Billionaire high-stakes poker fan **Andrew Beal** “lost up to \$50 million” in recent months in a series of games where players put up a \$1 million buy-in, a source tells us.

The Texas-based mogul, who made his fortune in banking and real estate, suffered a series of huge losses in at least three games, according to the source, who also said the games involved “Spider-Man” star **Tobey Maguire** and billionaire private equity investor **Alec Gores**.

While Beal, the richest man in Dallas worth \$6.6 billion, strongly denies losing so much cash, he's famed for his love of high-stakes poker and is said to have once won more in a single day than any other known player — \$11.7 million at the Bellagio in Vegas, in 2004. In 2006, he famously lost \$16.6 million in days.

A source told Page Six Beal participated in three games this year — one around the Super Bowl, one four months ago and another a few weeks ago. “All the players had a \$1 million buy-in,” the source said. “Each time Beal lost big time, with a total loss of around \$50 million.”

The source said Maguire and some pro players were involved, and the games were legal because the house didn't take a cut.

Dad-of-six Beal's quest for the highest-stakes poker match ever is described in the 2005 book “The Professor, the Banker, and the Suicide King: Inside the Richest Poker Game of All Time,” by **Michael Craig**. It ends when Beal loses \$16 million.

A spokesman for Beal told us by e-mail: “The amounts stated in your e-mail to us concerning Mr. Beal are inaccurate. Beyond that, Mr. Beal has no further comment.” When we then asked for the correct details of his losses, the rep refused to elaborate.

Maguire was recently slapped with a lawsuit after being linked to an A-list gambling ring. But he denied any wrongdoing when he collected \$300,000 from poker matches that were organized in Beverly Hills by a convicted investment scammer. Reps for Maguire and Gores didn't get back to us.

UPDATE: Michael Sitrick, spokesman for Alec Gores added, “The loss wasn't anywhere near \$50 million. At times he (Beal) won and at times he lost.”

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